

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
300 QUARROPAS STREET
WHITE PLAINS, NY 10601
914-390-4146

CHAMBERS OF
COLLEEN McMAHON
DISTRICT JUDGE

TO ALL COUNSEL IN: Estate of Ungar et al. v. Orascom Telecom Holdings SAE
Case No. 05-Civ. 7765(CM)(LMS)
Case No. 07-Civ. 2572 (CM)(LMS)

FROM: Judges McMahon and Smith

RE: Your recent correspondence

DATED: April 11, 2007

Counsel:

We have followed recent developments in this case with interest.

Pursuant to Rule 41, Ungar has an absolute right to dismiss its complaint in the first case against Orascom without prejudice. The case is dismissed against Orascom. It remains pending against The Palestine Investment Fund, which had the foresight to file an answer.

As far as we can tell, Ungar has twenty years to collect its judgment against the defendant in the Rhode Island action, and it is free to institute as many actions as it wishes during that period in order to accomplish its desired result. If Orascom wanted to avoid being sued in the United States, it needed to keep its business out of the United States. If Orascom has expanded its business contacts in the United States, so that it does not offend due process principles to subject it to *in personam* jurisdiction here, then the new lawsuit will proceed against it – as soon as Orascom is served.

We have agreed that, due to her great familiarity with this matter, Chief Magistrate Judge Smith should be the assigned Magistrate Judge on the new case as well as on the old, regardless of where Judge McMahon is sitting. Therefore, we will keep both cases on our dockets. Judge McMahon will not hand this case off to a new judge when one arrives in White Plains, and the matter will not be reassigned to a Foley Square Magistrate Judge.

